

Applicant : Lee A. Chase
Appln. No. : 10/701,859
Page : 4

REMARKS

Claims 5 and 8 have been amended. Claims 1-4, 6, 7 and 9-11 have been canceled. Upon entry of the above amendments, claims 5, 8 and 12-17 will be pending and under consideration in the application.

Entry of the above amendments is respectfully requested. The after final amendment reduces issues on appeal, and therefore places the application in better form for appeal. Further, the amendment does not present any new issues that would require further search and/or examination. Specifically, the amendment narrows the scope of the claims by eliminating an alternative limitation, and by combining the limitations of claims 1 and 5.

Prior Art Rejection

Claims 1, 5-8 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Chase (U.S. Patent No. 6,331,068).

It is respectfully submitted that while the Chase '068 patent discloses that folding action during an impact may be directed "through the use of a composite consisting of different flex moduli materials selectively laminated or two shot molded together," this does not constitute a teaching for the claimed invention which requires a flexure member "having a flex modulus and tensile modulus that vary along a longitudinal direction between the lens and the housing."

To the contrary, a laminate suggests a variation in flex modulus along the thickness direction of the flexure member, not along a longitudinal direction. Similarly, the reference to a "two shot" process is most appropriately interpreted to be an alternative to lamination for achieving a variation in flex modulus in the thickness direction of the material. Certainly, there is not any evidence to suggest that the '068 patent inherently discloses a flexure member having a flex modulus and tensile modulus that vary along a longitudinal direction between the lens and the housing. Accordingly, the Chase '068 patent does not anticipate the headlamp assembly of claim 5.

Similarly, while the Chase '068 patent discloses the use of a flexure member having reinforcing ribs to "direct the folding action during an impact," there is not any teaching that

Applicant : Lee A. Chase
Appln. No. : 10/701,859
Page : 5

the ribs extend longitudinally between the lens and the housing. To the contrary, if one having ordinary skill in the art were attempting to achieve a directed folding action using ribs, the person of ordinary skill in the art would expect to achieve this result using ribs that are traverse to the direction between the lens and the housing, i.e., extend in a direction perpendicular to the longitudinal direction from the lens to the housing, since this would allow an accordion-type folding action. There is not any evidence of record showing that the Chase '068 patent inherently teaches a flexure member having ribs that extend in a longitudinal direction between the lens and the housing. Accordingly, the Chase '068 patent does not anticipate the subject matter of claim 8.

While the Chase '068 patent discloses a headlamp assembly including a lens 70, housing 62 and a flexure impact-absorbing member 90 positioned between the lens and the housing, it does not disclose "means for guiding movement of the lens relative to the housing during an impact." More importantly, the Chase '068 patent does not teach a lens and a housing "having interactive elements guiding movement of the lens relative to the housing during an impact, whereby the direction of deflection of the flexure member during an impact is controlled." Note that the interactive elements 50 and 55 of lens 14' and housing 12' of the invention (Fig. 6) are not shown or described in the Chase '068 patent. To the contrary, the Chase patent does not show any element on a lens that interacts with any element on a housing to guide movement of the lens relative to the housing during an impact. Instead, Chase '068 discloses arrangements in which the only guidance is provided by the behavior of the flexure member during impact. While it could conceivably be argued that the flexure member is itself "means for guiding movement of lens relative to the housing during an impact," such means does not anticipate the subject matter of claim 17 which requires a lens element and a housing element that interact to guide movement of the lens relative to the housing during an impact.

In view of the above amendments and arguments, it is respectfully submitted that the claims currently pending in the application are not anticipated by the Chase '068 patent.

Applicant : Lee A. Chase
Appln. No. : 10/701,859
Page : 6

Allowable Subject Matter

Applicant acknowledges that claims 12-16 are allowed.

CONCLUSION


In view of the above amendments and remarks, it is believed that the application is now in condition for allowance and notice of the same is requested.

Respectfully submitted,

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